

tomers of the range of monthly rates which applies to these services and, if either the high-rated or low-rated service is a measured service, of the call allowance and charge for additional usage associated with such service. The monthly rates which are quoted for basic services shall be without inclusion of rates for any additional, optional service features.

(c) Applicants shall be informed of the availability of customer premises equipment under the following conditions:

1. The utilities shall make a general statement that customer premises equipment is available from a number of competitive providers and need not be obtained from the utility.

2. The utility may provide information about customer premises equipment which it offers.

(d) Applicants shall be informed by the utility providing local exchange service of the names, addresses and telephone numbers of carriers from which they can purchase toll service, provided such carriers have provided the information to the utility. This information shall also be provided to existing customers upon request.

(e) Information described in pars. (a) to (d) shall be provided in writing when written telecommunications service applications are used or when requested by customers in other, nonwritten, requests for telecommunications service.

(f) Rate information for additional services offered by the utility shall be available upon request.

(5) No residential customer shall be provided with any service feature in addition to the basic monthly service requested, without first having been informed of the additional rates and charges for such service features.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75; cr. (4) and (5), Register, March 1978, No. 267, eff. 4-1-78; emerg. am. (4) (intro.), r. and recr. (4) (c) and (d), cr. (4) (e) and (f), eff. 1-1-84; am. (4) (intro.), renum. (4) (c) and (d) to be (4) (e) and (f) and am., cr. (4) (c) and (d), Register, August, 1984, No. 344, eff. 9-1-84; am. (2) and (4), Register, December, 1991, No. 432, eff. 1-1-92.

PSC 165.05 Customer billing. (1) Bills to customers shall be rendered regularly and shall contain a clear listing of charges. No late payment charge shall be made. Utilities shall comply with reasonable customer requests for an itemized statement of charges. For purposes of long distance billings, the following, at a minimum, shall be considered a clear listing of charges:

(a) The type of long distance call. This information will specify whether the call is operator-assisted, direct-dialed, third-number billed, credit card, collect, or any other type.

(b) The class of long distance call. This information will specify whether the call is person-to-person or station-to-station.

(c) All long distance call bills will include the following information.

1. The exchange to which the call was placed.
2. The exchange from which the call originated for credit card, enterprise, third number, and collect calls only.
3. The telephone number that was called.
4. The duration of the call in billable minutes.
5. The dollar amount of the call.
6. The month and date on which the call was placed.
7. The time of day at which the call was placed.
8. The name of the carrier over which the call was placed.

(d) Credit card calls will be listed separately and a separate subtotal of the billed amount, including taxes, will be included on the customer portion of the long distance telephone bill.

(2) In the event the customer's service is interrupted otherwise than by the negligence or willful act of the customer and it remains out of order for a substantial period of time after being reported or found to be out of order, appropriate adjustments or refunds shall be made to the customer. The refund to the customer shall be the pro rata part of the month's charge for the period of days that the portion of the service and facilities are rendered useless or

inoperative. The refund may be accomplished by a credit on a subsequent bill for telecommunications service.

History: Cr. Register, October, 1968, No. 154, eff. 11-1-68; r. (2), renum. (3) to be (2), Register, November, 1975, No. 239, eff. 12-1-75; am. (1), Register, August, 1976, No. 248, eff. 9-1-76; am. (1), Register, December, 1979, No. 288, eff. 1-1-80; emerg. cr. (1) (c) 8., eff. 1-1-84; cr. (1) (c) 8., Register, August, 1984, No. 344, eff. 9-1-84; am. (1) (a), (b), (c) (intro.) and 6., (2), Register, December, 1991, No. 432, eff. 1-1-92.

PSC 165.051 Deposits. (1) **NEW RESIDENTIAL SERVICE.** A utility shall not require a cash deposit or other guarantee as a condition of new service unless a customer:

(a) Has an outstanding account balance with any Wisconsin telecommunications utility which accrued within the last 6 years, and at the time of the request for service remains outstanding and not in dispute, or

(b) Is attempting to receive service with intent not to pay for the same. Such intent may be inferred from all the circumstances surrounding the application, or

(c) Will clearly be unable to pay for service rendered at the time such payment is due.

(2) **EXISTING RESIDENTIAL SERVICE.** A utility shall not require a cash deposit or other guarantee as a condition of continued service unless either or both of the following circumstances apply.

(a) The service of the customer has been disconnected by the utility once within the last 12-month period for nonpayment of a delinquent service account not currently in dispute.

(b) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section of the code.

(3) **BUSINESS SERVICE.** (a) If the credit of an applicant for service has not been established satisfactorily to the utility, the applicant may be required to provide a deposit or guarantee.

(b) The deposit shall be refunded after 24 consecutive months if the customer's credit standing is satisfactory to the utility.

(4) **CONDITIONS OF DEPOSIT.** (a) If the utility bills local and toll service and settles local and toll service disputes, the maximum deposit for a new account shall not exceed the bill for one month's exchange service, plus estimated toll charges for 2 months. Deposits for existing accounts may not exceed the bill for one month's local exchange service, plus the highest actual toll charges for 2 consecutive months within the preceding 12 months.

(b) If the utility bills toll service only, the maximum deposit for a new account may not exceed the bill for 2 month's estimated toll charges. Deposits for existing accounts may not exceed the highest actual toll charges for 2 consecutive months within the preceding 12 months.

(c) For all other utility billing arrangements, the maximum deposit for new or existing accounts may be one month's local service.

(5) **INTEREST.** (a) Deposits shall bear interest payable from the date a deposit is made to the date it is applied to an account balance or is refunded.

(b) The interest rate to be paid shall be subject to change annually on a calendar year basis. The commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify utilities of that rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities, adjusted for constant maturity, for the week ending on or after December 1, as made available by the federal reserve board, rounded to the nearest tenth of one percent.

(c) The rate of interest set by the commission shall be payable on all deposits. Utilities shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit, and to all interest accrued during the previous year(s), for the fraction of the calendar year that the deposit was held by the utility.

(6) ARREARAGES. An arrearage owed by a customer may be deducted from the customer's deposit under the following conditions:

(a) A deposit may be used by the utility to satisfy an arrearage occurring after the deposit was made.

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

(7) REVIEW OF PAYMENT RECORD. The utility shall review the payment record of each residential utility customer with a deposit on file at 12-month intervals. The utility shall not require or continue to require a cash deposit unless a deposit is required under the provisions of sub. (2).

(8) REFUND OF DEPOSIT. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (6) applies.

(9) ACCRUED INTEREST. Upon termination of service, the deposit, with accrued interest shall be credited to the final bill and the balance shall be returned promptly to the customer.

(10) FAILURE TO PAY. Service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service.

(11) GUARANTEE TERMS AND CONDITIONS. (a) The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be for no longer than 2 years, but shall automatically terminate after the customer has closed the account with the utility, or at the guarantor's request upon 30 days' written notice to the utility.

(b) Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon 5 days' written notice.

(c) The guarantor shall receive copies of all disconnect notices sent to the customer whose account he or she has guaranteed if the guarantor requests such notice. The notice option shall be a part of the guarantee contract.

(12) DEFERRED PAYMENT AGREEMENT. In lieu of cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last 6 years with the same utility shall have the right to receive service from that utility under a deferred payment agreement as defined in s. PSC 165.0525 for the outstanding account.

(13) EXPLANATION OF REQUIREMENT. A utility shall not require any customer to pay a deposit or guarantee in lieu of deposit without explaining, in writing if requested, why that deposit is required.

History: Cr. Register, October, 1968, No. 154, eff. 11-1-68; r. and recr. Register, November, 1975, No. 239, eff. 12-1-75; emerg. r. and recr. (4), eff. 1-1-84; r. and recr. (4), Register, August, 1984, No. 344, eff. 9-1-84; renun. (6) to (12) to be (7) to (13), cr. (6), Register, April, 1985, No. 352, eff. 5-1-85; r. and recr. (5), Register, June, 1989, No. 402, eff. 7-1-89; am. (1) (a) and (8), Register, December, 1991, No. 432, eff. 1-1-92; correction in (3) (a), (11) (a) and (c) made under s. 13.93 (2m) (b) 5., Stats., Register, September, 1997, No. 501.

PSC 165.052 Disconnection and refusal of service.

(1) GENERAL RULES. (a) A telecommunications utility service bill for purposes of these rules concerning disconnection and refusal of service is considered a delinquent account one day after issuance.

(b) At least 5 calendar days prior to any disconnection, the utility shall give written notice upon an approved form which conforms to the requirements of sub. (6) unless excepted elsewhere.

(c) When a customer, either directly or through the public service commission, disputes a disconnection notice, the utility shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(d) If a disputed issue cannot be resolved pursuant to s. PSC 165.0535 (1), the utility shall inform the customer of the right to contact the public service commission.

(2) REASONS FOR DISCONNECTION. Utility service may be disconnected or refused for any of the following reasons:

(a) Failure to comply with the terms of a deferred payment agreement or failure to pay a delinquent account, provided the total amount owed for service used exceeds one month's local service charges.

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with deposit or guarantee arrangements as specified in s. PSC 165.051.

(d) Where subsequent credit information indicates that the initial application for service was falsified to the extent that a deposit or guarantee would be required or service refused under the applicable sections of these rules.

(e) Failure to pay a delinquent toll account billed by the utility providing local exchange service, provided the utility is authorized by the toll carrier to resolve customer disputes. Commencing June 1, 1987, no provider of local exchange service shall disconnect local service for nonpayment of another carrier's toll bill unless either the toll carrier or the local exchange provider can demonstrate to the commission significant hardship to the detriment of ratepayers.

(3) EMERGENCY DISCONNECTIONS. A public utility may disconnect utility service without notice where a dangerous or emergency condition exists for as long as the condition exists.

(4) PROHIBITIONS AGAINST DISCONNECTION. Utility service may not be disconnected or refused for any of the following reasons:

(a) Nonpayment of a delinquent account over 6 months old where collection efforts have not been made within that period of time unless the passage of additional time results from other provisions herein or from good faith negotiations or arrangements made with the customer.

(b) Delinquency in payment for service by a previous occupant of the premises to be served other than a member of the same household residing at the same premises.

(c) Failure to pay for directory advertising or charges for non-utility service billed by the utility.

(d) Failure to pay for a different type or class of utility service.

(e) Failure to pay the account of another customer as guarantor thereof.

(f) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates.

(g) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to inaccurate metering.

(5) NOTIFICATION OF HEALTH AND FAMILY SERVICES DEPARTMENT. A utility shall not disconnect any residential service without notifying the county department of health and social services at least 5 calendar days prior to the scheduled disconnection if the customer or responsible person has made a written request for this